

62-67

LEGAL GUIDE

FOR

SCHOOL OFFICERS AND
SCHOOL TEACHERS

OF

SOUTH DAKOTA

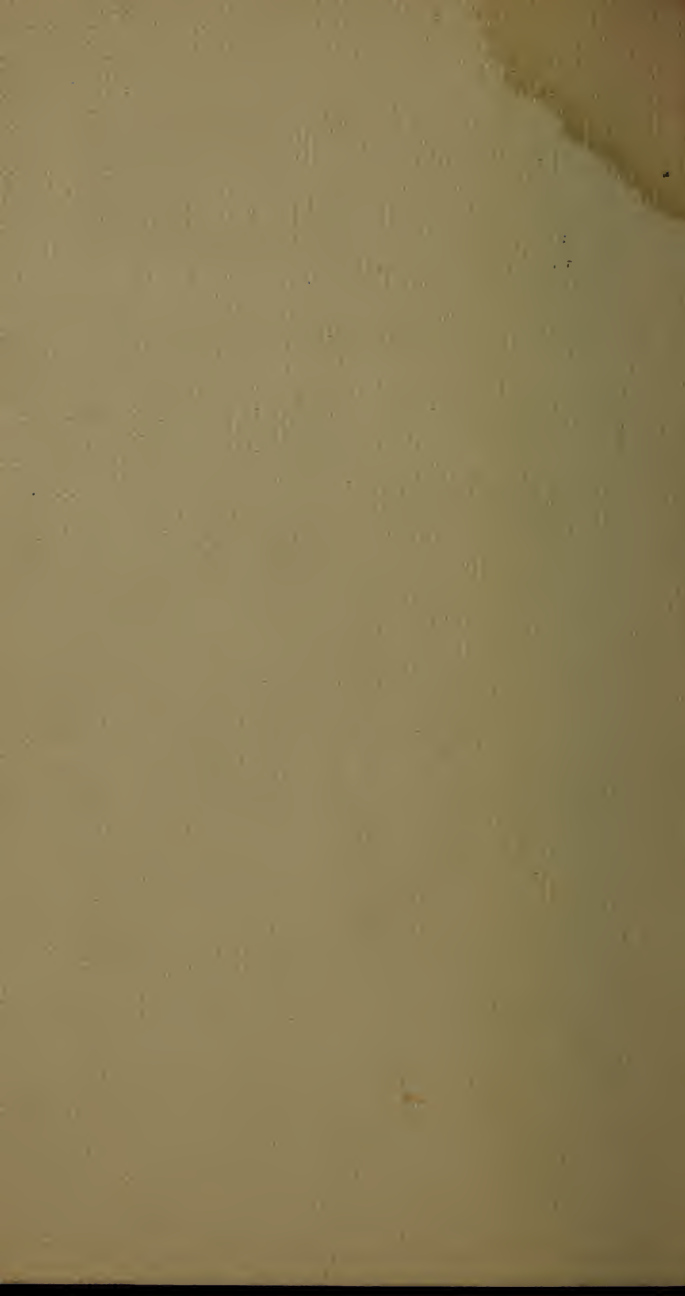
BY

O. WILLIAM COURSEY



PUBLISHERS

W. A. WELCH COMPANY, CHICAGO



LEGAL GUIDE

Containing a Classified Interpretation of the School
Laws of South Dakota, including those of 1905,

for

School Officers and School Teachers,

by

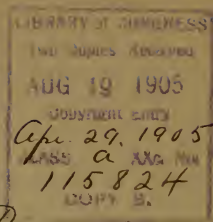
O. WILLIAM COURSEY,

Author of

"History and Geography of the Philippine Islands",
Superintendent of Davison County, S. Dakota, 1900-1904.

Publishers

W. M. WELCH COMPANY, CHICAGO



Perrie, S. Dak
Approved, May 19, 1905

G. W. Nash
Superintendent of Public
Instruction.

Entered according to Act of Congress,
in the year 1905, by

O. WILLIAM COURSEY,

In the office of the Librarian of Congress,
at Washington.



INTRODUCTION

The objects of this booklet are to simplify the intricate School Law of South Dakota; to lighten the work of County Superintendents by placing in the hands of School Officers and School Teachers a systematic interpretation of its numerous technicalities; to assist School Officers in the prompt and legal discharge of their duties; to keep School Teachers within the bounds of the law and make their relations to County Superintendents, School Officers, patrons and Children more harmonious, and to bring about in the easiest and cheapest possible way a system of uniform school administration.

A handwritten signature in cursive script, reading "J. H. Coursey". The signature is written in dark ink and features elaborate, flowing loops and flourishes, particularly around the initial "J" and the final "y".

TABLE OF CONTENTS.

CHAPTER I.

DISTRICT SCHOOL OFFICERS.	Page
Qualifications	10
Election	10
1 Time	10
2 Rotation	10
Oaths of Office	11
1 Form	11
2 When taken	11
3 By whom administered	11
4 Where filed	11
Terms of Office	11

CHAPTER II.

DISTRICT SCHOOL BOARDS.	12
Members	12
Chairman	12
1 Qualifications	12
2 Duties	12
3 Salary	12
Clerk	13
1 Qualifications	13
2 Duties	13
3 Salary	14
Treasurer	14
1 Qualifications	14
2 Duty	15
3 Salary	17
Punishment of Clerk and Treasurer	16
Meetings of Board	17

	Page
Powers and Duties of Board	17
1 Over School Sites	17
2 Over School Property	18
3 Over School Teachers	18
4 Over Schools in Session	19
5 Powers in general	19
(a) Organization	19
(b) Transportation	20
(c) Outside Pupils	20
(d) Assignment of Pupils	20
(e) Consolidation	21
(f) Discontinuation	21
(g) Contagious Disease	21
(h) School tax	22
(i) Judgment tax	23
(j) Bond tax	24
(k) Free Text-books	24
(l) Book Case	24
(m) Contracts	24
(n) Allowance of Bills	25
(o) Prosecution	25
Parliamentary	25
1 Number of regular meetings	25
2 Special meetings	26
3 Quorum	26
4 Absence of Chairman	26
5 Absence of Clerk	26
6 Seconding Motions	26
7 Order of Business	26
(a) Roll call	26
(b) Reading and adoption of Minutes	26
(c) Unfinished Business	26
(d) New Business	26
(e) Adjournment	26
Punishment of School Boards	27
Punishment of the Public by School Officers	28

CHAPTER III.

SCHOOL BONDS	Page
Issuance of Bonds	29
1 Amount	29
2 Limitation	29
3 Petition	30
4 Special meeting of Board	30
5 Notices of Election	30
6 Election	31
7 Records filed	31
8 Sale	31
9 Denomination	31
10 Interest	31
12 Form	32
13 Certification	32
14 Signatures	32
15 Numbered	32
16 Registry	32
17 Tax levy	32
18 Payment	32
19 Record of payment	32
20 Filing of Cancelled Bonds	33
21 Destruction	33

CHAPTER IV.

SUB-DIVIDING DISTRICTS.	33
Complete process	33
1 Time	33
2 Plat	33
3 Petition	33
4 Special Meeting	34
5 Notices of Election	34
6 Place of Election	35
7 Election	35
8 Majority Vote	35
9 Election Returns	35

	Page
10 Action of Commissioners and Sup't	35
11 Appointment of Officers . . .	36
12 Duties of new Officers . . .	36
(a) Clerk	36
(b) Chairman	37
(c) Treasurer	37
13 Duties of Old Officers . . .	37
(a) Special Meeting	37
(b) Clerk	38
(c) Treasurer	38
14 Apportionment of Cash and School Prop'ty	38
15 Apportionment of Indebtedness .	39
16 Records	40
17 Turning over the Cash . . .	40

CHAPTER V.

TOWNSHIP HIGH SCHOOLS.	41
------------------------	----

CHAPTER VI.

SCHOOL TEACHERS.	41
Qualifications	41
1 Life Diplomas	41
(a) Character	41
(b) Age	42
(c) Fee	42
(d) Education	42
(e) Provisional Certificate	42
(f) Examination	42
(g) Papers	43
(h) Experience	43
(i) Validity	43
(j) Reciprocity	43
2 State Certificates	44
(a) Character	44
(b) Age	44
(c) Fee	44

	Page
(d) Education	44
(e) Provisional Certificate	44
(f) Examination	45
(g) Papers	45
(h) Experience	45
(i) Validity	45
(j) Reciprocity	45
3 First Grade Certificates	46
(a) Character	46
(b) Age	46
(c) Fee	46
(d) Examination	46
(e) Papers	46
(f) Standing	46
(g) Experience	47
(h) Validity	47
4 Second Grade Certificates	47
(a) Character	47
(b) Age	47
(c) Fee	47
(d) Examination	47
(e) Papers	48
(f) Standings	48
(g) Experience	48
(h) Validity	48
5 Third Grade Certificates	48
(a) Character	48
(b) Age	48
(c) Fee	48
(d) Examination	48
(e) Papers	48
(f) Standings	48
(g) Experience	48
(h) Validity	48
6 Certificates on Private Examination	49
(a) Justification	49

	Page
(b) Grades of same . . .	49
(c) Papers . . .	49
(d) Validity . . .	49
7 Constant Qualifications . . .	49
Duties . . .	49
Salaries . . .	50

CHAPTER I.

District School Officers.

Qualifications.—(1) No educational or property qualifications are required. (2) School Officers must be qualified electors (voters)—age 21 years; residence in South Dakota 6 months, in the county 30 days, in the school district 10 days. N. B.—People who have filed and settled on homesteads can vote at once. (3) Any woman possessing the above qualifications is eligible to any school office in this state.

Election.—(1) Time: All district school officers, except for township high schools and members of boards of education in incorporated towns, are elected on the third Tuesday in June. (2) Rotation: By a special legislative act all school officers in the state were legislated out of office in 1903, and provision was made for a general election of them in June of that year. The chairmen were elected for one, the clerks for two, and the treasurers for three years, respective-

ly. Under this plan all chairmen had to be elected in 1904, the clerks are to be elected in 1905, and the treasurers in 1906. Chairmen will be elected again in 1907, clerks in 1908, treasurers in 1909, and so on in rotation. (Opinion of Attorney General, May 16, 1903.)

Oaths of Office.—(1) Form: Oaths of Office must conform to the Law and the Book of Forms. (2) When Taken: They must be taken within 30 days after election. (3) By Whom Administered: County Superintendents, school clerks, justices of the peace, township clerks, notaries public, or any other officers of the law possessed of seals, are empowered to administer these oaths. (4) Where Filed: All Oaths of Office, except those included in bonds, must be filed with the County Superintendent.

Terms of Office.—(1) The terms of all district school officers, except for township high schools, are three years. (2) Officers who are appointed hold office till the next regular school election, at which time the electors of the district shall elect an officer who shall fill out the unexpired portion of the official term, so as to keep the rotation of all chairmen, clerks and treasurers uniform.

CHAPTER II.

District School Board.

Members.—The members of a district school board are chairman, clerk and treasurer.

Chairman.—(1) Qualifications: Gives no bond; simply files his oath of office with the county superintendent as required by law. (2) Duties: Presides over all meetings of the board; countersigns all warrants drawn upon the funds of the district (and in case he refuses, he can be compelled to by securing a writ of mandamus); acts as judge of school elections; attends the annual meeting of all district school officers convened by order of the county superintendent; and is held responsible for the enforcement of the compulsory educational law. (3) Salary: He receives \$1.50 for each regular meeting of the board attended by him, and \$1.50 for attending the annual school officers' meeting, but is not entitled to any pay for presiding over special meetings of the board or for acting as judge of election. (Opinion of Attorney General, July 22, 1903). It will thus be seen that the maximum amount which a chairman can legally receive as salary during any one school year is \$4.50, from all sources, \$6.00.

Clerk.—(1) Qualifications: (a) The clerk must give a bond, signed by two sureties and properly attested, in the sum of \$100. It must be approved by the chairman and treasurer, or if they neglect or refuse to approve it, it may be done by the county superintendent, and be filed with the county auditor. (See sections 2335, 2339, 2368). (b) In addition to the oath contained in the bond, he must subscribe to a separate oath which must be filed with the county superintendent. (See sections 2307, 2335, 2368, 2379, Special Act 1905). (c) Whenever a school clerk is re-elected he must give a new bond and oath. (2) Duties: Keeps a record of all meetings of the board; acts as clerk of school elections; issues warrants for all bills allowed by the board; takes the school census (See sections 2318, 2334), posts all notices concerning either regular or special meetings or elections; attends the annual meeting of school officers convened by order of the county superintendent; in case a vacancy occurs on the board by reason of resignation, removal from the district, death, or other incapacity, he reports it to the county superintendent; "shall act as librarian of his district," and shall lend the school library

books "to the teachers, pupils and other residents of the district * * * and shall include in his annual report such library statistics as the state superintendent may require;" on or before the 20th day of July notifies "the county auditor of the amount of tax voted at the last annual meeting, or levied by the district board" (See sections 2341, par. 5, 2344); keeps a record of the receipts and expenditures of the district; and makes an annual report to the county superintendent on or before the first day of August each year (See sections 2318, 2320, 2340, par. 4; 2343, 2349, 2367, 2382). (3) Salary: He receives as salary \$5.00 for each school in the district which was in session "at least three months the preceding school year," but is limited to \$25.00 per annum. He also receives \$1.50 for attending the annual school officers' meeting convened by order of the county superintendent, making the maximum amount which he can receive within a year in districts having five or more schools, \$26.50; in districts having but one school, \$6.50.

Treasurer.— (1) Qualifications: (a) The treasurer must give a bond signed by two sureties, and properly attested, for the faithful performance of his duties. The amount of it is fixed by the chairman

and clerk. It must be "not less than double the sum, as nearly as can be ascertained, to come into his hands in any one year." It must be approved by the chairman and clerk, or if they refuse or neglect it, by the county superintendent, and be filed with the county auditor (See sections 2335, 2339, 2368). (b) In addition to the oath contained in the bond he must subscribe to a separate oath to be filed with the county superintendent (See sections 2307, 2339, 2368, 2379). (c) In case of re-election he must give a new bond and oath. (2) Duties: Keeps a record of all moneys received and expended; pays out money only upon warrants issued by the clerk, properly authorized by the board; registers all warrants drawn upon the treasury for which there is no money on hand to pay; draws the school apportionment money due his district at least twice each year, and the money accumulating from the district school tax "at least once every three months in each year;" makes an annual report to the board and the county superintendent, on or before the first day of August each year, of the receipts and expenditures for the previous school year (See sections 2319, 2320, 2340, par. 4; 2343, 2349, 2367, 2382); and attends the

Punishment of District School Clerks and Treasurers.

CAUSE	Sec. of Law	MINIMUM PUNISHMENT	Sec. of Law	MAXIMUM PUNISHMENT	Sec. of Law	ACTION BROUGHT BY WHOM	Sec. of Law
1 Failure to make annual report on or before the first day of August	2318 2319 2320 2340	Five Dollars withheld from annual salary for current year	2320 2340	May be fined	2382	Mini'm penalty by Co. Sup't and Co. Com'rs, maximum by States Attorney	2320 2340 2382
2 Failure to make any legal report required by law	2382	Fine of \$10.	2382	Fine of \$50.	2382	States Attorney	2382
3 Wilfully making false report to County Superintendent	2367	Fixed by Court	2367	Fine of \$50. Imprisonment in County Jail not to exceed fifteen days	2367	County Superintendent	
4 For mutilating or destroying any records of the district, or for refusal to turn over said records to his successor, upon demand, after the latter has duly qualified	2367 2368	Guilt—a misdemeanor. Punishment fixed by Court.	2367	Fixed by Court	2367	Successor in office	2367

N. B. JURISDICTION:-- Where the amount involved does not exceed \$100, any of these cases may be tried before a Justice of the Peace; above that amount, by the Circuit Court. The right of appeal is given. Section 2372.

annual meetings of the district school officers convened by order of the county superintendent. (3) Salary: He receives the same pay as the clerk,—\$5.00 for each school in the district which was in session at least three months the previous year, being limited to \$25.00 per annum, and \$1.50 for attending the annual district school officers' meeting convened by the county superintendent.

Meetings of Board.—Second Tuesday in July, last Tuesday in November and March. By serving a written notice upon the two other members, the clerk may call a special meeting at any time.

Powers and Duties of Board.—(1) Over School Sites: The board may purchase or lease any school site not exceeding two acres selected by the voters of the district at any regular, or regularly called special meeting; may take the land so selected against the will of the owner, by appealing to the county superintendent to have it condemned; may select a site "on common school or endowment lands" and secure title to the same by having it appraised by the Board of School and Public Lands * * * * * conditioned that should the same cease to be used for two successive years for the purpose of maintaining a public school there-

on, that the title shall revert to the owner of the legal sub-division of which said site forms a part.” (2) Over School Property: The board shall have “the care, custody and control of all property * * * * * shall make all necessary repairs to the school houses, outbuildings and appurtenances * * * * * direct the removal of a school house to a more convenient location, upon a vote of a majority of the electors of the entire district (a two-thirds majority vote is required in a district having but one school) * * * * * shall build, hire or purchase such school house * * * * * (or) make sale of any school house or property of the district, when lawfully directed by the voters of such district. By a Special Act, approved Jan. 31, 1905, the board must plant trees around all school premises. (3) Over School Teachers: The board shall employ teachers “only upon the exhibition of a teacher’s certificate, valid in the county where employed, and then only upon a written contract signed by the teacher and at least (any) two members of the district school board.” After making a contract with a teacher, the board cannot break it except for one or all of the three following reasons, any one of which would have to

be proven in court provided a teacher refused to abide by the opinion of the board: (a) "plain violation of contract", (b) "gross immorality," (c) "flagrant neglect of duty." (4) Over Schools in Session: "The district board shall have general charge, direction and management of the school or schools of the district * * * * * assist and co-operate with the teacher in the government and discipline of the schools, and may make proper rules and regulations therefor." The board has authority to suspend pupils who are "habitually disobedient," or those who defy the teacher's authority over them, for not less "than ten days nor beyond the end of the current term of school;" must "furnish, equip and supply all the schools in the district according to the several necessities of said schools * * * * * provide for each school in the district one Webster's Dictionary * * * * * and may also provide * * * other high grade library books and books of reference * * * provided said expense shall not exceed ten dollars for any school in any one year," and "shall provide suitable cases for the books in each school." (5) Powers in General: (a) Organization—"They shall organize, maintain, and conveniently lo-

cate schools for the education of all children of school age within the district." Whenever petitioned by the parents or guardians of **seven** children of legal school age (6 to 20 years inclusive), all of whom reside within three miles of a school house or a house or room proposed to be used as such, "the board shall organize a school and employ a teacher therefor," (b) Transportation—The board must arrange to educate **all** children of school age within the district; and where (pupils reside at an unreasonable distance the county superintendent, under the law, being made the judge of each case as to "what shall constitute an unreasonable distance") from the place where school is held, they "shall make reasonable financial provision for the transportation of such pupils" or send them "to some other school in the district" or provide "for their tuition in some other district, and for their transportation thereto * * * and shall establish routes of travel." (c) Outside Pupils—They shall "admit to the schools of the district, pupils from other districts when it can be done without injuring or overcrowding such schools, and make regulations for their admission and the payment of their tuition therein." (d) Assignment of Pupils—When a school

district contains more than one school, the board shall "at the annual July meeting, each year, make the assignment and distribution of pupils to and among the schools in the district," taking "into consideration the wishes of the patrons and the best interests of the pupils and district." (e) Consolidation—Whenever the board deems it advisable they may combine "two or more schools into one" and arrange "for the transportation of the pupils." (f) Discontinuation—When a school has been discontinued by the board for the purpose of combining two or more, the patrons of the district in which the school was closed "may appeal to the county superintendent" to overrule the action of the board, by filing with him a petition "signed by at least one-third of the patrons belonging to said school. The superintendent shall then send out notices to the patrons and the board and "order a hearing" on said petition. After hearing both sides of the case, he shall then decide for or against the petition, "which decision shall be heeded by the district school board." (g) Contagious Disease—The board has no legal authority to close a school on account of contagious disease. This authority is vested in the county superintendent by section 2301,

and in the board of health by general statute. On this point the law is defective. This deficiency has given rise to a practice which has now become quite general and which is certainly justified by the **moral law**: When a board discovers contagion in their school they proceed to close it temporarily, and send immediate notice to the county superintendent. This illegal but righteous practice should be resorted to only in cases of extreme necessity. (h) School Tax—The board “shall have power to levy upon the property of the district a tax for school purposes of not exceeding twenty-five mills (two and one-half cents) on the dollar in a year.” (It was raised to this amount from two cents, by a Special Legislative Act March 12, 1903). This levy shall be made “at the annual school meeting in July of each year.” Section 2343 provides that “the electors may meet with the board” on the second Tuesday in July and designate “the amount of tax levy.” A Special Legislative Act, approved March 12, 1903, provides that “In every district having but one school” the patrons “shall at any regularly called meeting, have authority to instruct the district school board concerning the levy of school taxes.” This same act pro-

vides that in any district co-extensive with a congressional township, "The school board * * * shall have power to levy * * * a tax for school purposes of all kinds;" but it extends the time limit in which this must be done "to the fifteenth day of August." Regardless of this extension of time it still leaves it advisory to attend to the matter of tax levy at the regular July meeting. (i) Judgment Tax—The law expressly provides "every school district * * * shall be and hereby is constituted a district corporation * * * and under its own proper name * * * may sue and be sued." It provides further: "Whenever any final judgment shall be obtained against any school corporation, the board thereof shall levy a tax upon the taxable property in the corporation for the payment thereof. * * * If the school board refuse or fail to levy such tax" the law will not permit the holder of the judgment to execute the same but permits the matter to pass into the hands of the board of county commissioners who shall cause such tax to be levied upon the property of the district." If the judgment is so large that the county commissioners cannot levy enough to meet it in one year without going be-

yond the 25 mill levy fixed by Special Act heretofore referred to, "such levy may be repeated until the judgment is paid." (j) Bond Tax—The board is authorized to levy a sufficient tax to pay the interest on outstanding bonds, and to pay them off as they become due. In case they neglect or refuse to do this, the law empowers the county auditor to levy the tax. (k) Free Text Books—Whenever petitioned to do so by a majority of the patrons, the board must arrange to supply all the pupils in the district with free text books. The establishment of rules and regulations for the preservation of free books is left to the board. (l) Book Case—When free books have been furnished the law makes it mandatory upon the board "to procure a safe book case in which said books shall be kept." The special act of 1901, which established libraries for general reading in all the schools, demands that "The school board shall provide suitable cases for the books in each school." Under the reading of these two statutes, it is plainly evident that no legal grounds exist to justify a school board in not supplying each school with a good serviceable book case. (m) Contracts—The law expressly provides that the board **must not** enter into

a contract of any kind, except "for the employment of teachers" unless it be done "at a regular meeting or a regularly called special meeting." (n) Allowance of Bills—The law expressly forbids the clerk to draw a warrant upon the funds of the district unless so authorized by the board. It also forbids the clerk to draw a warrant "except upon the presentation of a bill for the service * * * duly certified." This applies also to teachers' salaries. (Opinion of Attorney General February 11, 1904.) It further forbids the board to allow any bill unless the services were rendered or the indebtedness otherwise incurred prior to the time of allowing said bill. (o) Prosecutions—All prosecutions against persons for defacing school property or for violating the compulsory educational law, shall be instituted in the name of the district by the chairman; likewise in litigations against the district by creditors, the papers must be served on the chairman—he being the legal head of the board.

N. B.—A few duties of minor importance have been omitted, it being the author's aim to classify and explain the more technical ones.

Parliamentary.—(1) The board holds three regular meetings each year. (2)

Special meetings may be called at any time by the clerk who shall give written notice to the two other members. (3) Two members constitute a quorum for the transaction of business. (4) If the chairman is absent one of the other members acts. (5) If the clerk is absent, the chair appoints. (6) A motion does not need to be seconded, after being made, before being put by the chair.

(7) Order of Business:

- (a) Roll Call.
- (b) Reading and approval or correction of minutes of previous meeting.
- (c) Unfinished Business—reports of committees, of officers, etc.
- (d) New Business—allowance of bills; consideration of communications and petitions; appointment of committees, etc.
- (e) Adjournment.

Punishment of School Boards.

CAUSE	PUNISHMENT	ACTION BROUGHT BY WHOM
1 For making illegal Contracts	Fixed by Court	Any tax payer
2 For paying Bills not allowed at a regular, or regularly called special meeting	Fixed by Court	Any tax payer
3 For expending over ten dollars in any one year for reference books	Fixed by Court	Any tax payer
4 For buying Charts or similar devices without a vote of the district	Fixed by Court	Any tax payer
5 For misappropriation of public Funds	Fixed by General Statute	States Attorney
6 For failure to enforce the compulsory educational law	Fine of \$10 to \$20 on each member for each offense	County Superintendent.

N. B. JURISDICTION:—Justices of the Peace, unless the amount exceeds \$100. The right of appeal is given. Sec. 2372.

Punishment of the Public by School Officers.

GUILTY PARTIES	Sec. of Law	CAUSE	Sec. of Law	MINIMUM PUNISHMENT	Sec. of Law	MAXIMUM PUNISHMENT	Sec. of Law	ACTION BROUGHT BY WHOM	Sec. of Law
1 Any person	2357	Disturbing school while in session	2357	Fined by Court	2357	(a) Fine of \$25. (b) Imp's ment 10 d's (c) Both	2357	(a) Teacher (b) Board	
2 (a) Father (b) Mother (c) Guardian	2359	Failure to send any child in their possession, between 8 and 14 years of age, to school 12 weeks, at least 8 of which shall be consecutive beginning with the first of term	2359	Fine of \$10 and costs	3359	Fine of \$20 and costs	2359	(a) Chairman (b) President Board of Education (c) County Sup't	2363
3. School Children	2360	(a) Haunting public places (b) Truancy	2360	Returned to school by officer making arrest	2360	Same as minimum	2360		
4 (a) Owner, superintendent or overseer of any mine, factory, workshop, or mercantile establishment (b) Any other person	2361	Employing a child between 8 and 14 years of age, who has not attended school as required by law.	2361	Fine of \$10 and costs	2361	Fine of \$20 and costs	2361	(a) Chairman (b) President Board of Education (c) County Sup't	2363
5 Any person having control of a child between 8 and 14 years of age	2362	False statement concerning age of child or its attendance at school	2362	Forfeiture of \$10 to school district	2362	Forfeiture of \$20 to school district	2362	(a) Chairman (b) President Board of Education (c) County Sup't	2363
6 Any pupil	2380	Defacing school property	2380	Suspension or expulsion	2380	Parents and guardians held for damages	2380	(a) Chairman (b) President Board of Education	2341 2414

N. B. JURISDICTION:—Justices of the Peace, with right of appeal to the Circuit Court.

CHAPTER III.

School Bonds.

Issuance of Bonds.—The law touching upon the issuance of bonds is so confusing that it is deemed advisable to reduce the whole process to a graduated outline. Boards will have little bother by adhering closely to the following guide: (1) Amount: First see that proper title has been secured to the school site; then go to the county superintendent and specify to him the size of the building desired to be built, and talk over with him the equipment. Then have some reliable lumberman or contractor make a definite estimate of the cost of the building complete. Add to this the cost of the site, if it is to be included in the bond issue; of school desks, recitation benches, blackboard, stove, window shades, and teacher's desk; also the cost of a bell if one is to be supplied. You will then have a practical idea of the amount of bonds necessary to be issued. (2) Limitation: The amount of bonds which a district can issue is limited to \$1,000, "except in towns and villages of more than 300 inhabitants." In these it is limited to 4% of the assessed valua-

tion. By a Special Act, approved Feb. 28, 1905, where two or more schools are consolidated, the limitation is fixed at \$3,000. (3) Petition: Secure a blank petition for bond election from the county superintendent. Fill out the heading carefully, inserting the amount of the bonds proposed to be issued. Then circulate it over the district and secure the signatures of at least "one-third of the voters resident in said school district," including all of the women over 21 years of age. File this petition with the clerk of the board. (4) Special Meeting: The clerk must then call a special meeting of the board to determine the legality of the petition. (5) Notice of Election: If the board approves the petition they pass a resolution authorizing the clerk to issue a call for a special bond election. The clerk then posts notices of election in "at least three public and conspicuous places in said district * * * not less than twenty days before the meeting." The clerk should make four copies of these notices, reserving one to be filed with the county auditor. These notices, to be legal, must specify three separate and distinct things: (a) Time and place of election, (b) Amount of proposed bonds, (c) "The time in which

they shall be made payable." In this connection it must be remembered that not over 15 per cent. of the bonds issued can legally fall due in any one year. (6) Election: The election is conducted on the day set in a manner similar to all school elections,—the clerk of the board acting as clerk of election and the chairman of the board as judge. (7) Records Filed: The law expressly provides that the records of election shall be filed with the county auditor. These certified records must consist of the following: (a) The petition, (b) Copy of the resolution of the board ordering the election, (c) Copy of the notices of election, (d) All the ballots cast, (e) The poll book. (8) Sale: If the election is carried the district school treasurer shall then negotiate with either some local citizen, the board, some neighboring bank, some regular bond company, or with the county auditor for the sale of the bonds. (9) Denomination: They must be issued in one of the following denominations: \$50., \$100., \$150., or \$200. (10) Interest: They shall not draw interest to exceed 7 per cent. per annum. The interest must be paid annually or semi-annually as specified on the face of the bonds. (11) Quality of Paper: All school bonds "shall be litho-

graphed or printed on good bond paper.”

(12) Form: They must specify on their faces, (a) Date, (b) Amount. (c) To whom issued, (d) Purpose, (e) Rate of interest. (13) Certification: They must be certified to by the county auditor (Section 2387). (14) Signatures: In addition to the county auditor’s certification they shall be signed by the chairman and clerk of the school board. (15) Numbered: They shall be numbered in numerical order and shall become due in the order in which so numbered. (16) Registry: The school clerk must then register them in a book expressly provided for that purpose. (17) Tax Levy: Bond Tax—The board is authorized to levy a sufficient tax to pay the interest on outstanding bonds, and to pay them off as they become due. In case they neglect or refuse to do this, the law empowers the county auditor to levy the tax. Consult Section 2388 Revised Code. (18) Payment: Whenever a bond has been paid by the treasurer, the board shall cause to be written in red ink across the face of said bond and its accompanying coupon, the words “Cancelled and paid.” (19) Record of Payment: The clerk shall enter in his bond book, (a) The number of such bond, (b) The date of such pay-

ment, (c) The amount paid. (20) Filing of Cancelled Bonds: All bonds, as fast as they are paid, must be filed with the district treasurer. (21) Destruction: All cancelled bonds, after being filed with the district treasurer, must be carefully preserved by him until the last one outstanding has been paid. They must then ALL be destroyed in the presence of the entire board. The clerk should (although not compelled to by law) make a record of the date of this destruction in his bond book. There are legal reasons to justify this suggestion.

CHAPTER IV.

Sub-dividing Districts.

Complete Process.—(1) Time: Petition must be attended to before the 15 day of February so as to file it with the clerk at least 20 days prior to the election which occurs on the second Tuesday in March. (2) Plat: A safe scheme is to go to the county superintendent with a rough map indicating the proposed divisions, and let him prepare FOUR copies of a neat plat definitely setting forth the boundary lines of the new sub-divisions. (3) Petition: Secure a blank petition praying for sub-division, from the county superintendent. Attach firmly to it a

copy of the new plat. Circulate it freely over the district. If signed by at least one-third of the qualified electors of the district (women included) file it with the district school clerk at least 20 days prior to the second Tuesday in March. (4) Special Meeting: Although not compelled to by law, it is best for the clerk to call a special meeting of the board at once, by serving a written notice upon each of the two other members, to pass upon the legality of the petition. If they approve it the board should pass a resolution ordering the clerk to call a special election. If this step were omitted it might not invalidate the process, yet it is the wisest way to handle it. The number of signers to the petition might be comparatively limited. In this case, if the clerk acted on his notion, the whole thing might be thrown out in court, after the election, on the insufficiency of the petition. The law contemplates this meeting—Sec. 2324, par. 1. (5) Notices of Election: Notices of a Special Election must be posted in three public and conspicuous places in the district by the clerk at least ten days prior to the time set for the election. These notices of election must set forth three things, (a) Time and date of election, (b) Place, (c)

Copy of new plat. On the day of election the clerk must post a copy of the new plat at the polling place. (6) Place of Election: The law compels the board, either at a regular or special meeting, to designate the place at which the election shall be held. (This justifies the argument for a special meeting, suggested under paragraph "4.") (7) Election: The election is held at the time and place set, in a manner similar to all school elections. (8) Majority Vote: If a majority of the votes cast are in favor of the petition, the election is carried, even though those cast "for" and "against" the petition do not equal the number of signatures attached to it. Frequently, after voters have signed the petition they lose interest in it and do not attend the election. To illustrate: If only One vote were cast in favor of the petition and none against it, it would be carried. (9) Election Returns: The clerk must file the original petition and the poll book with the county auditor. The election will be illegal unless this be done. (10) Action of Commissioners and Superintendents: The county commissioners at their regular meeting in April following the election, in joint session with the county superintendent, shall canvass the

petition and the poll book. If satisfied that all has been done legally they proceed to sub-divide the district into new districts as set forth in the plat attached to the petition. At this meeting they name the new districts; and in counties where the numbering process is in vogue, they give each its respective number.

In order to facilitate matters the commissioners should, at this meeting, appoint a committee consisting of the county superintendent and at least two members of their own body, to visit all the schools in the district before their regular July meeting, and appraise the value of each schoolhouse and site, also the furniture, apparatus and fixtures.

(11) Appointment of Officers: Section 2330 provides: "Whenever a school district shall be formed, the county superintendent of schools shall appoint temporary officers for such school district, who shall serve until the first annual school election following and until their successors are elected and qualified."

(12) Duties of New Officers: (a) Clerk—The new clerk must take the census as required by law. He must also post the notices for the regular June election, and act as clerk of the same. He may also find it expedient to call one or more

special meetings of the new board. (b) Chairman—The chairman will have nothing to do until the June election, unless a special meeting of the board should be called. (c) Treasurer—The treasurer will have nothing to do, unless a special meeting be called, for no funds fall into his hands until after the county commissioners and the county superintendent have apportioned the funds of the old district among the new ones at their joint meeting in July. (13) Duties of Old Officers: (a) **Special Meeting**—The clerk should call a special meeting of the old board on or before the first Monday in July. At this time the accounts of the district should be gone over carefully; and if bills have been filed, and there is sufficient cash on hand, warrants should be issued for all outstanding indebtedness, other than school bonds. Here Common sense must step in and supply the deficiency in the law. This is the most opportune time for the old clerk and treasurer to make out and submit to the board for adoption and to the county superintendent for his approval, their annual reports, thus giving the superintendent a chance to check up their accounts and approve the same before the money is turned over to the county

treasurer for distribution among the new districts; besides making it possible for the old clerk and treasurer under Section 2340, Par. 4, to secure their annual salaries before the funds are divided, thus saving an endless chain of bother. This meeting, if possible, should be held in the office of the county superintendent where access to the county records can readily be had, as many things will come up for final adjustment. (b) Clerk—The law provides that the clerk “shall, on or before the first Monday in July following the division * * * forward to the county auditor a certified statement of the finances of the district, including the bonded and other indebtedness” (c) Treasurer—“On or before the first Monday in July,” the treasurer must “turn over to the county treasurer all money belonging to said district.” (14) Apportionment of Cash and School Property: At their regular July meeting, which, according to law, comes on the next day after the funds have been turned over to the county treasurer, the county commissioners and county superintendent, acting in conjunction, must apportion the cash and property of the old school district, equitably among the new ones. The following illustration will prove a help-

ful guide: If the old district had in it four schools, number 1, 2, 3, and 4, respectively; and the appraisement committee, heretofore suggested, should fix the total valuation of No. 1 at \$325., of No. 2 at \$380., of No. 3 at \$344., and of No. 4 at \$361., and there were still \$210. in cash to be apportioned, it would have to be divided so that each new district would receive its equitable share of both the cash and the property. To do this, add together the values of the four schools and the cash. In this case it would total \$1620. Dividing it equally among the four districts, each should receive cash and property valued at \$405. By subtracting from this sum the appraisement of each school, it will be found how much cash each district is entitled to receive. For instance No. 1 would receive \$405. less \$325. or \$80. in cash; No. 2 would receive \$25.; No. 3, \$61.; No. 4, \$44. (15) Apportionment of Indebtedness: The indebtedness of the old district divides itself naturally into two classes; namely, Local Debts, or those arising from current expenses, and Bonded Debts, or those arising from outstanding bonds. The old board should make an effort to have bills filed for all local debts, and at their last special meeting, if there

is sufficient cash on hand, they should issue warrants for all of them, leaving nothing but the bonded indebtedness which, under Sec. 2323, Par. 2, will be disposed of by the county commissioners. If there are more local debts than there is cash to meet, they too will have to be apportioned among the new districts by the commissioners and the county superintendent,—the latter not sitting with the commissioners while the bonded indebtedness is being disposed of. It is never wise for a district to sub-divide until its old school bonds are paid off. (16) Records: The law is silent as to what shall be done with the old records. However, they should be filed with the county superintendent for further reference by him in assisting the officers of the new districts to get started in their perplexing work. (17) Turning Over The Cash: As soon as the new treasurers, elected at the June election, have filed their oaths and bonds as required by law, the county superintendent should notify the county auditor to issue warrants on the county treasurer in favor of each of the new district school treasurers for the funds on hand due their respective districts. The new school districts are now firmly launched; each is a

body corporate, and they are ready for the transaction of business.

CHAPTER V.

Township High Schools.

The Special Act, approved March 9, 1903, providing for the establishment of township high schools, is so simply worded, so easily understood, so complete within itself, so free from any opinions or amendments, and so little heeded at the present time,—that it is deemed inadvisable to now classify and explain its many features.

CHAPTER VI.

School Teachers.

Qualifications.—As the law provides for six different grades of teachers' certificates, six classes of teachers necessarily arise. Not all the qualifications of each class are established by law, but part of them are fixed by the superintendent of public instruction. (Section 2293). The qualifications for each class are herein treated separately.

(1) Life Diplomas:

- (a) Character—Must furnish satisfactory evidence of good moral character.

- (b) Age—At least 22, unless a college or normal graduate.
- (c) Fee—Ten dollars. If applicant fails, one-half is returned. Resident graduates are exempt from any fee.
- (d) Education—Must be graduate of a college giving a four years' course of instruction above a four years' high school course, or be a graduate of some normal school giving a two years' course above a four years' high school course, or else pass an examination.
- (e) Provisional Certificate— After graduation, applicant must teach for 18 months on a provisional certificate, issued by the Superintendent of Public Instruction; after which, if he is successful, his life diploma will be granted.
- (f) Examination — "Applicants shall, by examination or otherwise, show satisfactory proficiency in the following branches: Reading, orthography, penmanship, grammar, composition, geography, United

States history including South Dakota history, civics, physiology and hygiene"; must "pass a satisfactory examination in physical geography, physics, algebra, geometry, general history of the pre-college grade, and in English language and rhetoric, English and American literature, either economics or sociology", must pass also in "any two of botany, zoology, physiology, physics, chemistry, geology and minerology, astronomy, algebra and trigonometry, all of the college grade; and pedagogy, including principles, method, management, psychology and history of education."

- (g) Papers—Marked by superintendent of public instruction.
- (h) Experience—Forty months, unless a graduate of some higher institution.
- (i) Validity—During good behavior.
- (j) Reciprocity—The state department, by an amendment to Sec. 2288, approved Mar. 11.

1905, is authorized to recognize the diplomas of other states, granted in accordance with the requirements for such diplomas in this state.

(2) State Certificates:

- (a) Character—Must furnish satisfactory evidence of good moral character.
- (b) Age—At least 20, unless a college or normal graduate.
- (c) Fee—Five dollars. If applicant fails one-half is returned. Resident graduates are exempt from any fee.
- (d) Education—Must be graduate of a normal school giving “at least one year’s work above an approved four years’ high school course”, or of some “other school having a course of study equivalent to the state normal school course
* * * together with a course of at least eighteen months of pedagogy and professional training.”
- (e) Provisional Certificate—After graduation, applicant must teach for 18 months on a provisional certificate, issued by

the superintendent of public instruction; after which, if he is successful, his state certificate will be granted.

- (f) Examination—Applicant shall “by examination or otherwise, show satisfactory proficiency in orthography, reading, penmanship, arithmetic, geography, English grammar, physiology and hygiene, United States history including South Dakota History, and shall pass a satisfactory examination in civil government, American literature, drawing, algebra, plane geometry, physical geography, physics or botany, general history, pedagogy; and English language, composition and rhetoric.”
- (g) Papers—Marked under the direction of the superintendent of public instruction.
- (h) Experience — Twenty-four months unless a graduate of some higher institution.
- (i) Validity—Five years. Renewable, if successful.
- (j) Reciprocity—The state department, by an amendment to

Sec. 2288, approved Mar. 11, 1905, is authorized to recognize such certificates from other states, granted in accordance with the requirements for these certificates in this state.

(3) First Grade Certificates:

- (a) Character—Must be good.
- (b) Age—At least 18.
- (c) Fee—One dollar.
- (d) Examination—Applicant must pass an examination in the following subjects: Orthography, reading, writing, arithmetic, geography, physical geography, English grammar, physiology and hygiene, history of the United States, civil government, current events, American literature, (book-keeping now omitted) drawing and didactics. (After July 1, 1906, in the history of South Dakota, and in the effects of alcohol and narcotics on the human system).
- (e) Papers—Marked under the direction of the superintendent of public instruction.
- (f) Standings—Must average 85

and not fall below 75 in the following branches: American literature, drawing, physical geography, and current events. Must average 90 and not fall below 75 in the remaining branches, commonly known as "second grade studies."

- (g) Experience—At least six months successful experience.
- (h) Validity—Three years anywhere in the state. Renewable, if successful.

(4) Second Grade Certificates:

- (a) Character—Must be good.
- (b) Age—At least 18.
- (c) Fee—One dollar.
- (d) Examination—Applicant must pass an examination in the following branches: Orthography, reading, writing, arithmetic, physiology and hygiene, geography, English grammar, history of the United States, civil government and didactics (After July 1, 1906, in the history of South Dakota, and in the effects of alcohol and narcotics on the human system).

- (e) Papers—Marked under direction of superintendent of public instruction.
 - (f) Standings—Must average 80 and not fall below 65 in any study.
 - (g) Experience—At least six months successful experience.
 - (h) Validity—Two years in county wherein examined. Good in other counties if endorsed by the superintendent of such counties. Not renewable.
- (5) Third Grade Certificates:
- (a) Character—Must be good.
 - (b) Age—At least 17.
 - (c) Fee—One dollar.
 - (d) Examination—same as for second grade.
 - (e) Papers—Marked by county superintendent.
 - (f) Standings—Must average 75 and not fall below 60 in any study.
 - (g) Experience—None.
 - (h) Validity—Not more than one year. Less at the option of the county superintendent. Valid only in school designated by him on face of certificate. Applicant limited to two

third grade certificates in any one county.

(6) Certificates on Private Examinations:

- (a) Justification—Inability of applicant to be present at regular examination.
- (b) Grades of same—First, second or third.
- (c) Papers—Marked by county superintendent.
- (d) Validity—In any school designated by the county superintendent, until the next regular examination.

(7) Constant Qualifications: While teaching, a teacher must at all times be possessed of a valid certificate. (Amended laws of 1905).

Duties.—Upon beginning a term of school, teachers must send a notice of such beginning, and the probable time when the term will end, to the county superintendent. They may read aloud to pupils, books on moral instruction. They must classify the work of their schools according to the state course of study which, under the law, is indirectly made a part of it (Sec. 2353, Par. 5), and at the end of the first week of school, send a classification report to the county super-

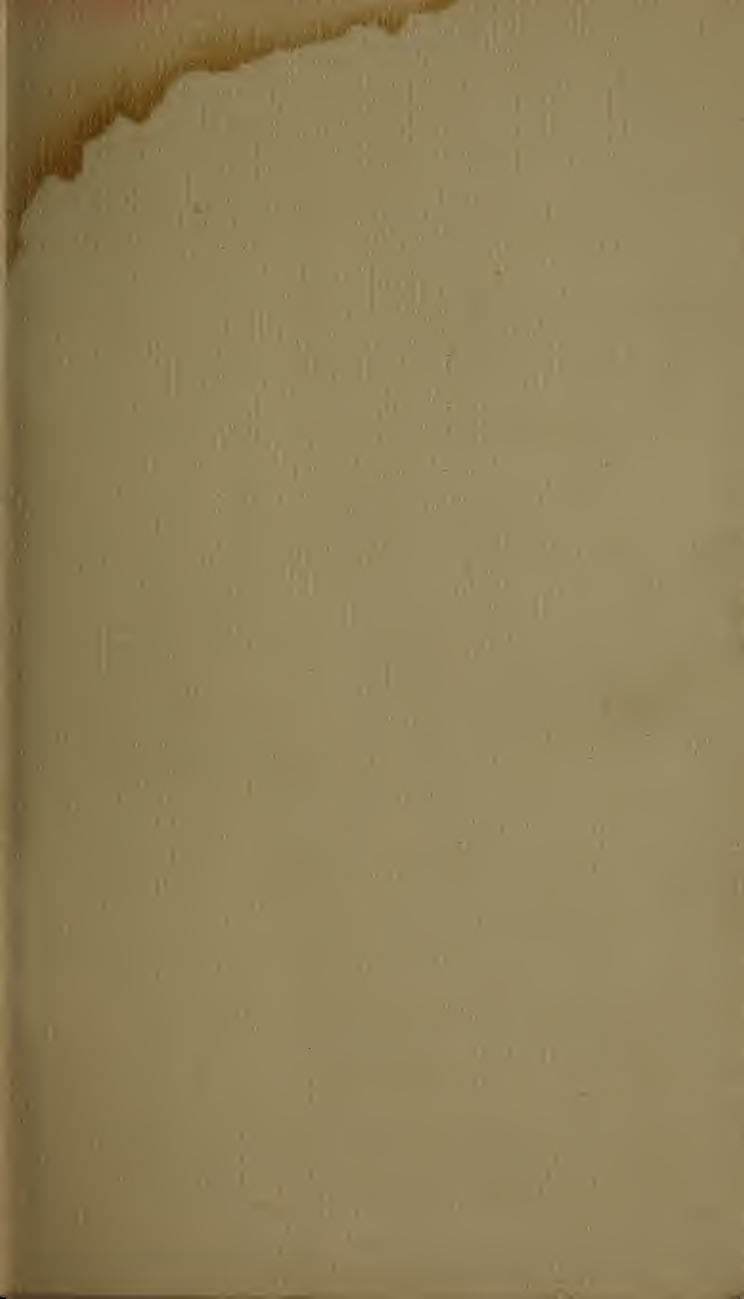
intendent. They must keep a register giving in detail the work of the school. They must admit pupils from outside districts upon order of the board; hold monthly examinations, and "make monthly reports to parents and to the county superintendent, when blanks for the same are furnished"; during school must act as librarian for the district; must teach five and one-half hours each day, exclusive of intermissions; shall not hold school on May 30, July 4, Thanksgiving Day, or December 25; must dismiss school during the session of the county normal institute; at the close of each term make a terminal report in duplicate, filing one copy with the district clerk and the other with the county superintendent; must attend the normal institute and at least one district institute (should attend ALL teachers' meetings) each year; and should co-operate with the county superintendent in all his undertakings for the up-building of the schools.

Salaries.—Teachers' salaries are fixed by the board. They are usually too low, making the profession an act of charity. Under an opinion of the attorney general, dated September 16, 1904, the board must withhold ten per cent of a teacher's salary for EACH month taught, until the

close of the term, as a guaranty of faith that they will complete their contracts, and make all reports as required by law. Under another opinion of the attorney general, dated February 11, 1904, teachers must file with the school clerk a bill for each month's salary, after which they will be entitled to receive ninety per cent. of such salary.



AUG 19 1905.



LIBRARY OF CONGRESS



0 019 748 485 8